

Guide for Review of Civil Rights-Related Program Requirements for Section 504 of the Rehabilitation Act of 1973, as amended			
Name of Program Participant:			
Staff Consulted:			
Name of Grant Program(s) Reviewed:			
Name(s) of Reviewer(s):		Date:	

NOTE: All questions that address requirements contain the citation for the source of the requirement (statute, regulation, NOFA, or grant agreement). If the requirement is not met, HUD must make a finding of noncompliance. All other questions (questions that do not contain the citation for the requirement) do not address requirements, but are included to assist the reviewer in understanding the participant's program more fully and/or to identify issues that, if not properly addressed, could result in deficient performance. Negative conclusions to these questions may result in a "concern" being raised, but not a "**finding**."

Instructions: This Exhibit is designed to assess the program participant's compliance with four requirements under Section 504 of the Rehabilitation Act of 1973. (See CPD's annual update to CPD Notice 00-10, issued December 26, 2000 on "Accessibility Notice: Section 504 of the Rehabilitation Act of 1973 and The Fair Housing Act and their applicability to housing programs funded by the HOME Investment Partnerships Program and the Community Development Block Grant Program.") This review should be conducted in conjunction with reviews of the CDBG Entitlement, CDBG State, HOME and ESG programs. Areas included in this Exhibit are:

- program accessibility for housing and non-housing facilities;
- communications;
- records on disability status; and
- subrecipient monitoring.

These requirements are based on the regulations governing Section 504 of the Rehabilitation Act of 1973 (24 CFR 8), the Fair Housing Act (24 CFR 100), and the Uniform Federal Accessibility Standards (UFAS) (24 CFR 8.32 and Appendix A to 24 CFR 40). CPD reviewers should note any apparent obstacles to accessibility.

Regarding compliance with Section 504 communications provisions, 24 CFR 8.6 requires the program participant to take appropriate steps to ensure effective communication with applicants, beneficiaries, and members of the public. In effect, this means that, "to the maximum extent possible," persons with disabilities receive the benefits and services of the CPD program or activity. Participants are not, however, required to take actions that can be demonstrated to result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens.

With respect to the accessibility of non-housing facilities, 24 CFR 8.21 and 8.32(a) requires the design and construction of all new non-housing facilities to be readily accessible to, and usable by, persons with disabilities. The regulations also require alterations to existing non-housing facilities to make such facilities accessible to, and usable by, persons with disabilities, unless

such alterations result in a fundamental change to the nature of the program or an undue financial and administrative burden.

Program accessibility requirements under Section 504, at 24 CFR 8.4 and 8.20, call for the program participant to operate its non-housing programs or activities in ways that makes them readily accessible to, and usable by, persons with disabilities, unless it can be demonstrated that the actions taken to make these programs accessible would fundamentally change the nature of the program or impose undue financial or administrative burdens.

Section 504 record keeping requirements (at 24 CFR 8.55) are to be reviewed by examining applicable records maintained by the program participant and determining that, not only are such records available, but that they correspond to information contained in performance and other reports submitted to HUD, as applicable.

Failure to maintain records is an indication of noncompliance with regulations governing record keeping. While a lack of documentation may not imply discrimination, because the program participant's data are a basis for further investigating compliance with nondiscrimination requirements, the CPD reviewer is responsible for transmitting this completed Exhibit (including any supporting documentation) to FHEO upon completion of the monitoring (see Sections 22-3 and 22-4 of the introduction to this Chapter).

Questions:

A. ACCESSIBILITY PROCEDURES

1.

For program participants or subrecipients with 15 or more employees, does it have a formal, written grievance procedure for resolution of complaints alleging discrimination based on disability? (If yes, obtain copy for FHEO review of due process standards.) [24 CFR 8.53(b)]	<table> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Yes</td> <td>No</td> <td>N/A</td> </tr> </table>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	N/A
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
Yes	No	N/A					
Describe Basis for Conclusion: 							

B. ACCESSIBILITY OF NON-HOUSING FACILITIES

2.

Does the program participant, and/or its subrecipients, have documentation (e.g., blueprints and construction specifications) that all new non-housing facilities assisted with CPD program funds are being designed and constructed to be readily accessible to, and usable by, persons with disabilities in conformance with accessibility requirements?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion: 		

3.

Does a review of the program participant's and/or subrecipient records indicate that, if any alterations have been made to existing non-housing facilities, that such alterations have made these facilities usable by, and accessible to, persons with disabilities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
Describe Basis for Conclusion: 			

C. ACCESSIBILITY OF HOUSING PROGRAMS

4.

Does a review of the program participant's and/or subrecipient policies and records indicate that programs or activities are readily accessible to, and usable by, persons with disabilities? (NOTE: A lack of records beyond 3 years is not a basis for a finding.) [24 CFR 8.4, 24 CFR 8.20, 24 CFR 8.21(c)(2)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion: 		

D. COMMUNICATIONS**5.**

a. Has the program participant taken steps to ensure effective communication with applicants, beneficiaries, and members of the public who have hearing, vision, or speech impairments using: i. Qualified sign language and oral interpreters? ii. Readers? iii. Use of tapes? iv. Braille materials? v. TTD? vi. Other (describe below)? [24 CFR 8.6]	<table border="1"><tr><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr><tr><td>Yes</td><td>No</td></tr></table>	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No
<input type="checkbox"/>	<input type="checkbox"/>				
Yes	No				

Describe Basis for Conclusion:

b. If the answer to “a” above is “no,” describe the method(s) used by the program participant to facilitate effective communication.
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Describe Basis for Conclusion:

Exhibit 22-6
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6.

[OS] Has the program participant adopted and implemented procedures to ensure that interested persons (including those with impaired vision or hearing) can obtain information concerning the existence and location of accessible services, activities and facilities? [24 CFR 8.6(b)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

7.

[OS] Is there documentation to show steps that the program participant has undertaken to attract persons with disabilities, such as: making buildings more accessible to persons with physical disabilities; home visits to assist applicants for program benefits in filling out applications; supplying sign language interpreters for public meetings on issues relating to the participant's programs? [24 CFR 8.54(b) and (c)]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

E. RECORD KEEPING

8.

[OS] Does the program participant maintain data for compliance purposes showing the extent to which persons with disabilities are beneficiaries of the program(s) being reviewed? [24 CFR 8.55 (b) and 24 CFR 8.121]	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Describe Basis for Conclusion:		

9.

[OS] Are copies of the Section 504 Self-Evaluation Form and Transition Plan available for review?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Describe Basis for Conclusion: 	

10.

[OS] Is a copy of the “Reasonable Accommodation Policy” available for review?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Describe Basis for Conclusion: 	

F. SUBRECIPIENT MONITORING

11.

Is there documentation that program participants monitor subrecipients to ensure that Section 504, ADA, and Fair Housing Act requirements affecting persons with disabilities are met?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Describe Basis for Conclusion: 	